

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: December 4, 2017
Presenter: Chairman Earl Pugh, Jr.
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 4, 2017
Presenter: Chairman Earl Pugh, Jr.
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the December 4, 2017 Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING

MONDAY, DECEMBER 4, 2017 – 6:15 PM

CALL TO ORDER

CONSIDERATION OF AGENDA

PUBLIC HEARINGS (none)

PRESENTATIONS

- 1) Donation of Lots Charles Poe
- 2) DMA-Leg Requirement SL 2017-57-Sec. 11H.15.21.222 Laurie Potter
- 3) Marsy's Law for North Carolina Mgr. Rich
 - a. Resolution of Support for HB551/SB595 (Marsy's Law)

EMPLOYEE RECOGNITION

PUBLIC COMMENTS

Public Comments are a time for the public to make comments to the County Commissioners. Comments should be kept to three (3) minutes or less and comments should be directed to the entire Board and not to individual members, the staff or to other members of the public. Comments requesting assistance will typically be referred to the County Manager for follow-up or for Board action at a future meeting.

ITEMS OF CONSIDERATION

1) Resolution-Ordinance-Proclamation

- a. Resolution No. 2017-12-04 – Establishing Regular Meeting Dates Mgr. Rich
- b. Project Budget Ordinance – Storm Debris Removal Project Daniel Brinn

2) Consideration of Recommended Administrative Changes Mgr. Rich

3) Appointment to Ocracoke Library Board of Directors Commissioner Pahl

4) Update on E-911 Center Justin Gibbs

5) MOA to Accept CDBG-DR Grant for Davis School Kris Noble

6) Contract Agreement for Services – McClees Consulting Kris Noble

7) Hyde Co. Airport Appropriation of NC DOT Aviation Grant Funds Kris Noble

BUDGET MATTERS

1) Veteran Services

- i. Departmental Supplies \$ 250.00

2) Health Department

- i. Healthy Communities – Drug Take Back Project \$2,000.00
- ii. Healthy Communities – Contract Radiology \$2,700.00

MANAGEMENT REPORTS

The Commissioners and County Manager will share with the public their various activities and ideas for continuous improvement of government services to the citizens.

PUBLIC COMMENTS

The public is invited to use this time to make comments to the County Commissioners on items discussed during this meeting and/or matters not discussed earlier in the meeting.

CLOSED SESSION (discussion and possible action if required)

ADJOURN

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Tax Department (requires signature)
- 2) Inspections
- 3) Human Resources
- 4) IT Department
- 5) Health Department
- 6) Department of Social Services
- 7) Senior Center
- 8) Soil & Water
- 9) Cooperative Extension

Informational Items

- 1) Nomination of Bill Rich for Outstanding County Manager in Region-R
- 2) Public Notice – Joint Board of Commissioners and Board of Education Meeting

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 4, 2017
Presenter: Charles Poe
Attachment: Yes

ITEM TITLE: Habitat Framework for Strategic Plan

SUMMARY: Mr. Charles Poe of New Era Industries, Inc. will present a framework of the strategic plan for Habitat for Humanity North Carolina (HHNC).

RECOMMEND: INFORMATION ONLY

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Habitat for Humanity North Carolina

Our Mission: The Mission of HHNC is to serve, support and advocate for North Carolina affiliates of Habitat for Humanity International.

Strategic Goals:

1. Build a Sustainable Organization – Mobilize Resources & Steward Them Faithfully
2. Build Community Impact – Improve Housing Conditions
3. Build Sector Impact – Partner to Increase Shelter Access
4. Build Societal Impact – Inspire Action to End Poverty Housing

Objectives:

Goal 1: Build a Sustainable Organization:

- Fund the mission
- Grow skills & leadership capabilities
- Operate with excellence
- Partner with state and national organizations to enhance services offered

Goal 2: Build Community Impact:

- Serve families through sustainable construction and housing support services
- Offer assistance through a continuum of housing services
- Leverage shelter as a catalyst for community transformation
- Grow capacity to serve the most vulnerable, the disaster-affected, and the urbanizing world

Goal 3: Build Sector Impact:

- Support market approaches that increase products, services, & financing for affordable housing
- Promote policies and systems that advance access to affordable housing
- Create a series of services that will support the efforts of local affiliates

Goal 4: Build Societal Impact:

- Serve as a leading voice in growing awareness of housing as a critical foundation for breaking the cycle of poverty
- Mobilize partners as hearts, hands and voices for the cause of adequate, affordable housing

Goal 1: Build a Sustainable Organization:

- Fund the mission

Strategies:

- *Inventory and evaluate profitability of all current revenue sources*
- *Review/renew affiliate membership in SSO. Review fee structure & compare with other SSO's. Actively recruit affiliates to become members of HHNC.*
- *Investigate feasibility of State tax credit designation status, possibly via lobbyist.*
- *Become a "contractor" of existing state and federal housing services that will provide an opportunity for a "fee for service" income stream*
- *Develop and assess fee-for-service programs for affiliates, such as loan origination*
- *Establish SSO Advisory Board as fundraising arm of SSO.*
- *Secure GIK for NC affiliates from large state-wide companies.*
- *Increase foundation support for training (Camp Habitat) and advocacy.*
- *Increase net revenues for Camp Habitat, while supporting training needs of affiliates.*

- Grow skills & leadership capabilities

Strategies:

- *Develop statewide "affiliates of distinction" and a process to recognize excellence*
- *Strategically recruit at-large board members to fill vacancies and expand/diversify the board.*
- *Develop and sustain effective standing and ad hoc committees to support SSO*
- *Strengthen our partnership with affiliates, leading to agreed-upon process for joint fundraising activities, especially with statewide major donors.*
- *Leverage our SSO Board of directors more effectively*
- *Increase capabilities to create a "value added" relationship with affiliates by offering a large array of potential services*
- *Evaluate a "state leadership conference" with affiliate ED's and CEO's*
- *Analyze staffing requirements of SSO annually, and prepare a hiring plan.*
- *Establish a statewide "ReStore Summit" training/networking event, held every 2-3 years.*

- Operate with excellence

Strategies:

- *Establish a governance committee to annually review By-Laws and QA checklist.*
- *Implement software solutions to managing contributions information (e.g., E-Tapistry)*
- *Develop a portfolio of standardized mortgage documents that comply with state/federal laws and meet industry standards.*
- *Assist affiliates with identifying strategies for quality improvements; provide assessment of affiliate QA checklists and identify strategies to help improvements.*
- *Develop a plan to collect & curate information relevant to operation of SSO and affiliates.*
- *Develop a marketing/communication plan and communicate to all stakeholders through updated website, regular electronic newsletter, and annual report.*
- *Seek out and achieve the prerequisite certifications that create a high level of professional services offered*

Goal 2: Build Community Impact:

- Serve families through sustainable construction and housing support service

Strategies:

- *Evaluate & pilot small affiliate “mergers” with larger, nearby affiliates, to produce more housing units statewide.*
- *Serve affiliates through regular training and mentoring; assess affiliate training needs.*
- *Establish Camp Habitat as the premiere regional gathering for affiliate capacity building; review/adjust pricing model*
- *Provide affiliate leadership development (board & staff), especially for smaller affiliates; provide comprehensive training plan for affiliates and ReStores that supports their efforts to serve families.*
- *Identify & develop new housing support programs; e.g., Credit Review Service Program; Loan Origination qualifications*
- *Develop suggested standards for an effective rehabilitation program,*
- *Support affiliate programs (new construction, repairs, weatherization, B-W-K) with state-oriented GIK, including the USDA 502 and 504 loan program, the NCHFA Mortgage Protection Program and other related programs*
- *Support a certified HVAC support program for affiliates & external partners building to Energy Star 3.0 standards.*

- Leverage shelter as a catalyst for community transformation

Strategies:

- *Identify community transformation metrics and data*
- *Create a significant cadre of “value added” services intended to expand the clients we will service as well as strengthen the affiliates service offerings*
- *Pilot a USDA 502- or 504-funded program in a non-affiliate service area*
- *Develop a relationship with the NCHFA and become a provider of the Mortgage Protection Program as well as other associated programs*

- Grow capacity to serve the most vulnerable, the disaster-affected, and the urbanizing world

Strategies:

- *Develop a statewide disaster preparedness and response plan; communicate plan to NC affiliates.*
- *Develop relationships with state-level public agencies responsible for responding to disasters.*
- *Pursue partnerships focused on serving the housing needs of veterans.*

Goal 3: Build Sector Impact:

- Support market approaches that increase products, services, & financing for affordable housing

Strategies:

- *Seek opportunities to develop a statewide preferred vendor and/or bulk purchasing program for affiliates*
- *Assess the feasibility of creating a statewide fundraising program*
- *Develop the next partnerships for asset leveraging: new "SECU", creative financing models, revolving loan fund, CDFI, IDA*

- Promote policies and systems that advance access to affordable housing

Strategies:

- *In partnership with affiliates and coalitions, develop board-approved legislative priorities and agenda*
- *Continue to develop Legislative Day as an opportunity for affiliate representatives and HHNC Board and staff to meet with legislators.*
- *Utilize online tools and social media to increase awareness and engagement with legislative priorities*
- *Advocate for policies (federal, state, local) related to affordable housing and the elimination of poverty*
- *Continue to build & expand an internal Habitat advocacy community*
- *Build external capacity for advocacy through targeted partnerships with legislators.*

Goal 4: Build Societal Impact:

- Serve as a leading voice in growing awareness of housing as a critical foundation for breaking the cycle of poverty

Strategies:

- *Partner with larger statewide housing industry leaders to develop a campaign focused on the need for affordable housing.*
 - *Create a social media strategy to support HHNC campaigns.*
 - *Build legislative influence and support.*
- Mobilize partners as hearts, hands and voices for the cause of adequate, affordable housing

Strategies:

- *Develop and market/communicate an aggressive statewide affordable housing goal for 2020.*
- *Develop/increase HHNC commitment to international affordable housing.*
- *Develop a statewide volunteer recruitment effort targeted at young adults, to strengthen the long-term sustainability of the volunteer base in NC.*
- *Leverage the affiliate Board members across the state to better influence local & state government.*

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 4, 2017
Presenter: DSS Director Laurie Potter
Attachment: Yes

ITEM TITLE: DMA-LEG REQUIREMENT SL 2017-57-Sec.11H.15.21.222

SUMMARY: This Session Law addresses the responsibility of Counties concerning Medicaid determination errors.

RECOMMEND: Discussion

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

LEGISLATIVE REQUIREMENT THAT DMA WILL ADDRESS
Thursday, November 16, 2017

Session Law 2017-57 (Appropriations Act of 2017)

NC TRACKS ENHANCEMENTS TO PREVENT AND DETECT FRAUD, WASTE, AND ABUSE

SECTION 11H.15.(a) The Department of Health and Human Services (Department) shall enhance the capability of the NC Tracks Medicaid Management Information System (MMIS) to include the ability to detect and prevent fraud, waste, and abuse prior to the payment of claims. Program changes shall be made to MMIS to prevent claims payment to providers when fraud, waste, or abuse is identified. The new capability required by this subsection shall utilize publicly available data regarding Medicaid providers and recipients. For this new capability, the Department shall establish criteria for the identification of suspicious claims, suspicious patterns of activity, or both without preselecting providers or recipients for review. Claims or patterns of activity identified by this new capability shall be evaluated utilizing a combination of automated and manual processes to determine the validity of the suspected fraud, waste, or abuse prior to the issuance of any payment to the provider for the suspicious claims.

The new capability required by this subsection shall be implemented utilizing existing MMIS contracts no later than 150 days after this section becomes effective. Nothing in this section shall be construed to change or limit any current laws or rules regarding prompt payment to providers or provider prepayment claims review.

SECTION 11H.15.(b) This section is effective when it becomes law.

MEDICAID ELIGIBILITY MONITORING

SECTION 11H.20.(a) Article 2 of Chapter 108A of the General Statutes is amended by adding a new section to read:

"§ 108A-55.5. Eligibility monitoring for medical assistance.

(a) On at least a quarterly basis, the Department shall review information concerning changes in circumstances that may affect medical assistance beneficiaries' eligibility to receive medical assistance benefits. The Department shall share the information directly with, or make the information available to, the county department of social services that determined the beneficiary's eligibility.

(b) The information reviewed by the Department shall include all of the following:

- (1)** Earned and unearned income.
- (2)** Employment status and changes in employment.
- (3)** Residency status.
- (4)** Enrollment status in other State-administered public assistance programs.
- (5)** Financial resources.
- (6)** Incarceration status.
- (7)** Death records.
- (8)** Lottery winnings.
- (9)** Enrollment status in public assistance programs outside of this State.

(c) A county department of social services shall promptly review the information provided or made available by the Department in accordance with subsection (a) of this section to determine if the information indicates a change in circumstances that may affect a medical assistance beneficiary's eligibility to receive medical assistance benefits and take one of the following actions:

- (1)** If a review of the information does not result in the county department of social services finding a discrepancy or change in a beneficiary's circumstances that may affect that beneficiary's eligibility to receive medical assistance benefits, the county department of social services shall take no further action.

- (2) If a review of the information does result in the county department of social services finding a discrepancy or change in a beneficiary's circumstances that may affect that beneficiary's eligibility for medical assistance benefits, the county department of social services shall provide written notice to the beneficiary that describes in sufficient detail the circumstances of the discrepancy or change in circumstances that would affect the beneficiary's eligibility for medical assistance benefits. The notice must include the following information:
- a. The beneficiary will have 12 calendar days from the time of mailing to respond.
 - b. A response from the beneficiary must be in writing.
 - c. Self-declarations made by the beneficiary will not be accepted as verification of information in the response.
 - d. The consequences of taking no action.
- (d) After the expiration of 12 calendar days from the time of mailing the notice required under subsection (c) of this section, the county department of social services shall take one of the following actions:
- (1) If a beneficiary did not respond to the notice, the county department of social services shall redetermine the beneficiary's eligibility for medical assistance benefits and provide the beneficiary with proper notice under G.S. 108A-79.
 - (2) If a beneficiary responds to the notice and disagrees with the information in the notice, the county department of social services shall reinvestigate the matter and take one of the following actions:
 - a. If the county department of social services determines that there has been an error and the beneficiary's eligibility to receive medical assistance benefits is not affected, then no further action shall be taken.
 - b. If the county department of social services determines that there is no error, the county department of social services shall redetermine the beneficiary's eligibility for medical assistance benefits and provide the beneficiary with proper notice under G.S. 108A-79.
 - (3) If a beneficiary responds to the notice and confirms the information in the notice is correct, then the county department of social services shall redetermine the beneficiary's eligibility for medical assistance benefits and provide the beneficiary with proper notice under G.S. 108A-79.

If, at any time after receiving a beneficiary's response to the notice, the county department of social services determines that there is a risk of fraud or misrepresentation or inadequate documentation, then the county department of social services may request additional documentation from the beneficiary.

(e) Nothing in this section shall preclude the Department or any county department of social services from receiving or reviewing additional information related to a beneficiary's eligibility for medical assistance benefits that is obtained in a manner other than that provided for under this section."

SECTION 11H.20.(b) The Department of Health and Human Services may sign a memorandum of understanding with any department, agency, or division of the State to obtain information concerning individuals enrolled in Medicaid that indicates a change in circumstances that may affect the individuals' eligibility to receive Medicaid benefits under G.S. 108A-55.5(a).

SECTION 11H.20.(c) The Department of Health and Human Services may contract with one or more vendors to provide information concerning individuals enrolled in Medicaid that indicates a change in circumstances that may affect the individuals' eligibility to receive Medicaid benefits under G.S. 108A-55.5(a). The quarterly cost, net of receipts, of a contract entered into under this subsection must be less than the cost of claims, net of receipts, for the preceding quarter for individuals identified.

SECTION 11H.20.(d) The Department of Health and Human Services (Department) shall consider joining any multistate cooperative to identify individuals who are also enrolled in public assistance programs outside of this State, including the National Accuracy Clearinghouse. No later than

October 1, 2017, the Department shall report to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice findings that explain the reasons for joining or not joining any multistate cooperative, and, if a determination has been made to join the multistate cooperative, a date when membership is expected.

SECTION 11H.20.(e) Subsection (a) of this section becomes effective January 1, 2018. The remainder of this section is effective when this act becomes law.

MEDICAID ELIGIBILITY DETERMINATION TIMELINESS REPORTING

SECTION 11H.21. Part 10 of Article 2 of Chapter 108A of the General Statutes is amended by adding a new section to read:

"§ 108A-70.43. Reporting.

No later than November 1 of each year, the Department shall submit a report for the prior fiscal year to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division containing the following information:

- (1) The annual statewide percentage of Medicaid applications processed in a timely manner for the fiscal year.
- (2) The statewide average number of days to process Medicaid applications for each month in the fiscal year.
- (3) The annual percentage of Medicaid applications processed in a timely manner by each county department of social services for the fiscal year.
- (4) The average number of days to process Medicaid applications for each month for each county department of social services.
- (5) The number of months during the fiscal year that each county department of social services met the timely processing standards under G.S. 108A-70.38.
- (6) The number of months during the fiscal year that each county department of social services failed to meet the timely processing standards under G.S. 108A-70.38.
- (7) A description of all corrective action activities conducted by the Department and county departments of social services in accordance with G.S. 108A-70.36.
- (8) A description of how the Department plans to assist county departments of social services in meeting timely processing standards for Medicaid applications, for every county in which the performance metrics for processing Medicaid applications in a timely manner do not show significant improvement compared to the previous fiscal year."

SUPPORT IMPROVEMENT IN THE ACCURACY OF MEDICAID ELIGIBILITY DETERMINATIONS

SECTION 11H.22.(a) G.S. 108A-25(b) reads as rewritten:

"(b) The program of medical assistance is established as a program of public assistance and shall be administered by the Department of Health and Human Services in accordance with G.S. 108A-54. Medicaid eligibility administration may be delegated to the county departments of social services under rules adopted by the Department of Health and Human Services."

SECTION 11H.22.(b) No later than November 1, 2017, the Department of Health and Human Services (Department) shall report to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice on progress made regarding the accuracy of county Medicaid eligibility determinations in response to the State Auditor's January 2017 Performance Audit entitled "North Carolina Medicaid Program Recipient Eligibility Determination." The Department's report shall include the following information:

- (1) An identification of stakeholders, including the county departments of social services, the Department has engaged to address issues surrounding the accuracy of Medicaid eligibility determinations by county departments of social services.

- (2) Opportunities identified by the Department and stakeholders to address accuracy in Medicaid determinations.
- (3) Any steps the Department has taken, or plans to take, to assist county departments of social services with improving accuracy in Medicaid eligibility determinations, including a time line for implementation of each planned action.
- (4) Any changes to legislation or needs for funding identified by the Department to assist with improving accuracy in Medicaid determinations.

SECTION 11H.22.(c) Article 2 of Chapter 108A of the General Statutes is amended by adding a new Part to read:

"Part 11. Medicaid Eligibility Determinations Accuracy and Quality Assurance.

"§ 108A-70.45. Applicability.

If a federally recognized Native American tribe within the State has assumed responsibility for the Medicaid program pursuant to G.S. 108A-25(e), then this Part applies to the tribe in the same manner as it applies to county departments of social services.

"§ 108A-70.46. Audit of county Medicaid determinations.

Beginning January 1, 2019, the Department of Health and Human Services, Division of Central Management and Support, shall, on an annual basis, audit all county departments of social services for compliance with the accuracy standards adopted under G.S. 108A-70.47 for Medicaid eligibility determinations made within a 12-month period. This annual audit shall also include an evaluation of compliance with the quality assurance standards under G.S. 108A-70.48 by the county department of social services. Audits shall be conducted for initial Medicaid eligibility determination applications as well as Medicaid reenrollment determinations.

"§ 108A-70.47. Medicaid eligibility determination processing accuracy standards.

(a) The Department shall require county departments of social services to comply with accuracy standards set forth in rule for the processing of Medicaid eligibility determinations. The Department shall set the following standards:

- (1) Accuracy standards with regards to errors that caused an ineligible Medicaid recipient to be approved for Medicaid benefits.
- (2) Accuracy standards with regards to errors that caused the denial of benefits to an applicant that should have been approved for Medicaid benefits.
- (3) Accuracy standards with regards to errors made during the eligibility determination process that did not change the outcome of the eligibility determination.

(b) Standards under this section shall be developed by the Department in consultation with the State Auditor.

"§ 108A-70.48. Quality assurance.

The Department shall require county departments of social services to comply with quality assurance minimum standards set forth in rule. The quality assurance standards shall be based upon best practices and shall be developed by the Department in consultation with the State Auditor.

"§ 108A-70.49. Corrective action.

(a) If the Department's annual audit under G.S. 108A-70.46 results in a determination that a county department of social services fails to meet any of the standards adopted under G.S. 108A-70.47 or G.S. 108A-70.48, the Department and the county department of social services shall enter into a joint corrective action plan to improve the accurate processing of applications.

(b) A joint corrective action plan entered into pursuant to this section shall specifically identify the following components:

- (1) The duration of the joint corrective action plan, not to exceed 24 months. If a county department of social services shows measurable progress in meeting the performance requirements in the joint corrective action plan, then the duration of the joint corrective action plan may be extended by six months, but in no case shall a joint corrective action plan exceed 36 months.

- (2) A plan for improving the accurate processing of applications that specifically describes the actions to be taken by the county department of social services and the Department.
- (3) The performance requirements for the county department of social services that constitute successful completion of the joint corrective action plan.
- (4) Acknowledgment that failure to successfully complete the joint corrective action plan will result in temporary assumption of Medicaid eligibility administration by the Department, in accordance with G.S. 108A-70.50.

"§ 108A-70.50. Temporary assumption of Medicaid eligibility administration.

(a) If a county department of social services fails to successfully complete its joint corrective action plan, the Department shall give the county department of social services, the county manager, and the board of social services or the consolidated human services board, created pursuant to G.S. 153A-77(b), at least 90 days' notice that the Department intends to temporarily assume Medicaid eligibility administration, in accordance with subsection (b) of this section. The notice shall include the following information:

- (1) The date on which the Department intends to temporarily assume administration of Medicaid eligibility determinations.
- (2) The performance requirements in the joint corrective action plan that the county department of social services failed to meet.
- (3) Notice of the county department of social services' right to appeal the decision to the Office of Administrative Hearings, pursuant to Article 3 of Chapter 150B of the General Statutes.

(b) Notwithstanding any provision of law to the contrary, if a county department of social services fails to successfully complete its joint corrective action plan, the Department shall temporarily assume Medicaid eligibility administration for the county upon giving notice as required by subsection (a) of this section. During a period of temporary assumption of Medicaid eligibility administration, the following shall occur:

- (1) The Department shall administer the Medicaid eligibility function in the county. Administration by the Department may include direct operation by the Department, including supervision of county Medicaid eligibility workers or contracts for operation to the extent permitted by federal law and regulations.
- (2) The county department of social services is divested of the authority to administer Medicaid eligibility determinations.
- (3) The Department shall direct and oversee the expenditure of all funding for the administration of Medicaid eligibility in the county.
- (4) The county shall continue to pay the nonfederal share of the cost of Medicaid eligibility administration and shall not withdraw funds previously obligated or appropriated for Medicaid eligibility administration.
- (5) The county shall pay the nonfederal share of additional costs incurred to ensure compliance with the accuracy and quality assurance standards required by this Part.
- (6) The Department shall work with the county department of social services to develop a plan for the county department of social services to resume Medicaid eligibility administration and perform Medicaid eligibility determinations more accurately.
- (7) The Department shall inform the county board of commissioners, the county manager, the county director of social services, and the board of social services or the consolidated human services board, created pursuant to G.S. 153A-77(b), of key activities and any ongoing concerns during the temporary assumption of Medicaid eligibility administration.

(c) Upon the Department's determination that Medicaid eligibility determinations can be performed accurately and with proper quality assurance by the county department of social services based on the standards adopted under G.S. 108A-70.47 and G.S. 108A-70.48, the Department shall notify the

county department of social services, the county manager, and the board of social services or the consolidated human services board, created pursuant to G.S. 153A-77(b), that temporary assumption of Medicaid eligibility administration will be terminated and the effective date of termination. Upon termination, the county department of social services resumes its full authority to administer Medicaid eligibility determinations.

"§ 108A-70.51. Reporting.

Beginning with the calendar year 2020, no later than March 1 of each year, the Department shall submit a report to the Joint Legislative Committee on Medicaid and NC Health Choice, the Fiscal Research Division, and the State Auditor that contains the following information about the prior calendar year:

- (1) The annual statewide percentage of county departments of social services that met the accuracy standards adopted under G.S. 108A-70.47 in the prior fiscal year.
- (2) The annual statewide percentage of county departments of social services that met the quality assurance standards adopted under G.S. 108A-70.48 in the prior fiscal year.
- (3) The annual audit result for each standard adopted under G.S. 108A-70.47 for each county of department services.
- (4) The number of years in the preceding five-year period that each county department of social services failed to meet the standards in G.S. 108A-70.47 or G.S. 108A-70.48.
- (5) A description of all corrective action activities conducted by the Department and county departments of social services in accordance with G.S. 108A-70.49.
- (6) For every county in which the performance metrics for processing Medicaid applications in an accurate manner do not show significant improvement compared to the previous fiscal year, a description of how the Department plans to assist county departments of social services in accuracy and quality assurance standards for Medicaid applications."

SECTION 11H.22.(d) G.S. 150B-23(a5) reads as rewritten:

"(a5) A county that appeals a decision of the Department of Health and Human Services to temporarily assume Medicaid eligibility administration in accordance with ~~G.S. 108A-70.37~~ G.S. 108A-70.42 or G.S. 108A-70.50 may commence a contested case under this Article in the same manner as any other petitioner. The case shall be conducted in the same manner as other contested cases under this Article."

SECTION 11H.22.(e) The Department of Health and Human Services, Division of Central Management and Support (Department), shall collaborate with the State Auditor to develop a plan of implementation of the annual audits under this section. The plan must include the following information:

- (1) Accuracy standards and quality assurance standards to be implemented.
- (2) The audit schedule that includes all counties.
- (3) The audit methodology to be utilized, including any information that may vary based upon county size or other factors.
- (4) Details illustrating that the audit methodology is statistically sound, including the statistically significant number of cases to be reviewed in each county.
- (5) Anticipated costs of implementing the plan.
- (6) A certification from the State Auditor that the Department's plan for the annual audits has the approval of the State Auditor.

No later than March 1, 2018, the Department shall submit a copy of the plan to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice with any proposed recommendations, suggested legislation, or funding requests.

SECTION 11H.22.(f) Article 2 of Chapter 108A of the General Statutes is amended by adding a new section to read:

"§ 108A-25.1A. Responsibility for errors.

(a) A county department of social services shall be financially responsible for the erroneous issuance of Medicaid benefits and Medicaid claims payments resulting when the county department of

social services takes any action that requires payment of Medicaid claims for an ineligible individual, for ineligible dates, or in an amount that includes a recipient's liability and for which the State cannot claim federal participation.

(b) Notwithstanding subsection (a) of this section, a county department of social services shall not be financially responsible for the erroneous issuance of Medicaid benefits and Medicaid claims payments resulting from a failure or error attributable solely to the State.

(c) The amounts to be charged back to a county department of social services for erroneous payments of claims shall be the State and federal shares of all erroneous payments, not to exceed the lesser of the amount of actual error or claims payment."

SECTION 11H.22.(g) The Department of Health and Human Services (Department) shall design and implement a training and certification program for caseworkers utilizing North Carolina Families Accessing Services Through Technology (NC FAST). The training and certification program shall be available on a statewide basis, and the Department shall provide training to caseworkers at county departments of social services at a location within reasonable travel distance from the county departments of social services multiples times per year. No later than 18 months after the Department has implemented the training and certification program, the Department shall require all caseworkers inputting data or making determinations for eligibility for State programs through NC FAST to be certified. A certification may last no longer than three years before an individual is required to be recertified. The Department may adopt and amend rules to implement this training and certification program.

SECTION 11H.22.(h) No later than 18 months after the Department has implemented the training and certification program under subsection (g) of this section, the Department shall include in its audits required under G.S. 108A-70.46 a verification that all county departments of social services are in compliance with the certification program requirements for individuals involved in the Medicaid eligibility determination process.

SECTION 11H.22.(i) No later than March 1, 2018, the Department shall submit to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, and the Fiscal Research Division a report on the implementation of the training and certification program required under this section. The report shall include the following:

- (1) A detailed outline of what the training and certification program will entail, including how many hours of training will be required for certification, how frequently recertification will be required, and how often training will be provided by the Department to the county departments of social services.
- (2) A plan of implementation of the training and certification program, including a specific time line of implementation.
- (3) Anticipated costs to the Department, as well as any costs to the county department of social services, of implementing the training and certification program. This should include an identification of any additional resources required by the Department or a county department of social services in order to implement the training and certification program.
- (4) Any other information the Department is able to provide regarding the training and certification program development.

SECTION 11H.22.(j) The Department of Health and Human Services may adopt and amend rules to implement this section.

SECTION 11H.22.(k) Subsection (f) of this section is effective when it becomes law and applies to errors identified on or after that date. The remainder of this section is effective when it becomes law.

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 4, 2017
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: PROCLAMATION OF SUPPORT FOR HB551/SB595 (MARSY'S LAW)

SUMMARY: Marsy's Law For North Carolina is a non-profit that is working to pass a victim's rights bill here in North Carolina. The bill would give victims of violent crimes the right under the state constitution to be notified about the release of their attacker, the date of the bail hearings, parole hearings, and the right to be kept informed about all aspects of the trial.

RECOMMEND: Adopt.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl



WHEREAS, Marsy's Law For North Carolina and advocacy organizations statewide are dedicated to guaranteeing victims' rights and providing a voice; and

WHEREAS, Marsy's Law For North Carolina supporters agree victims should always be treated with fairness and respect throughout the criminal justice process, protected from the defendant, reasonably heard at public proceedings regarding their case, and given a voice through the process of the case; and

WHEREAS, per the Federal Bureau of Investigation's (FBI) most recent "Crime in the United States" report, in 2013 a total of 33,700 North Carolinians were the victim of Violent "Index Crimes" including: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson; and

WHEREAS, Marsy's Law for North Carolina will ensure that victim's receive the same rights that are afforded to criminals and have rights to notification of release, hearings, appropriate restitution, and the right to speak during criminal proceedings; and

WHEREAS, Victims' Rights is a non-partisan, non-political issue, and Marsy's Law is a common sense approach to ensuring Victims' Rights

NOW THEREFORE, We the Hyde County Board of Commissioners, Swan Quarter, North Carolina, do hereby proclaim:

SUPPORT FOR HB 551/SB 595 (MARSY'S LAW)

In and for the County of Hyde, and encourage all of our citizens to join in the commitment to protect the rights of North Carolina crime victims.

IN WITNESS WHEREOF, the Hyde County Board of Commissioners duly adopts this proclamation on the 4th day of December, 2017.

ATTEST:

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners



Key Message: Marsy's Law for North Carolina seeks to amend the state constitution in order to provide an equal level of constitutional protections to victims of crimes that are already afforded to the accused and convicted. Marsy's Law is supported across the political spectrum to ensure that victims have the same "co-equal" rights as the accused and convicted - nothing more, nothing less. Marsy's Law gives the victim a voice in the process; not a veto.

- The U.S. Constitution and many state constitutions give specific rights to individuals accused and convicted of a crime. Crime victims, however, have no enumerated rights in either the U.S. Constitution or in 15 state constitutions - including North Carolina.
- Marsy's Law for All seeks to amend state constitutions like North Carolina that do not currently offer protections to give victims of crimes equal rights that are already afforded to the accused and convicted.
- While North Carolina does have victims' rights protections in its constitution, it is not always consistently applied from county to county and regionally, and there is a need to amend the constitution to better ensure consistent enforcement of those rights statewide.
- In January 2017, Marsy's Law for NC kicked off a campaign to begin the two-step process to amend the state constitution: the first step requires a bill passed by $\frac{3}{5}$ of both chambers of the state Legislature to then send it to a statewide vote the following year.
- Nearly eight out of ten North Carolinians support a constitutional amendment giving crime victims equal rights already afforded to the accused and convicted including the right to be treated fairly, with dignity and respect, to be informed regarding custody and to have a voice in the judicial process.
- We can all agree it's common sense that no rapist should have more rights than the victim. No murderer should be afforded more rights than the victim's family.
- It is not a partisan issue: giving crime victims important co-equal rights is a rare political issue that both Republicans and Democrats are unified in supporting.
- In recent years, voters in five states have passed Marsy's Law including the groundbreaking 2008 victims' rights law in California, Illinois, North and South Dakota and Montana.
- Marsy's Law for All campaigns are currently active in eight states beyond North Carolina including Nevada, Maine, Idaho, Oklahoma, Ohio, Wisconsin, Kentucky and Georgia.

A constitutional amendment for victims' rights will guarantee equal rights to crime victims by:

Informing victims and their families about their rights and services available to them



Giving them the right to receive notification of proceedings and major developments in a criminal case



Protecting their safety by notifying them in a timely manner regarding changes to the offender's custodial status



Allowing victims and their families to exercise their right to be present - and heard - at court proceedings; and to provide input to the prosecutor before a plea agreement is finalized



Establishing the right to restitution



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 551

Short Title: Strengthening Victims' Rights. (Public)

Sponsors: Representatives Dollar, R. Turner, Destin Hall, and Earle (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House, if favorable, Judiciary I

April 5, 2017

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAW AND CONSTITUTION OF NORTH CAROLINA TO
PROVIDE BETTER PROTECTIONS AND SAFEGUARDS TO VICTIMS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 37 of Article I of the North Carolina Constitution reads as
rewritten:

"Sec. 37. Rights of victims of crime.

(1) Basic rights. Victims of ~~crime, as prescribed by law,~~crime shall be entitled to the
following basic rights:

- (a) ~~The right as prescribed by law to be informed of and to be present at~~
~~court~~right, upon request, to reasonable and timely notice of, and to be
present at criminal and juvenile proceedings of the accused.
- (b) ~~The right to be heard at sentencing or disposition of the accused in a manner~~
~~prescribed by law, and at other times as prescribed by law or deemed~~
~~appropriate by the court.~~any proceeding involving release, plea, parole, and
during which a right of the victim is implicated.
- (c) ~~The right as prescribed by law to receive~~ full and timely restitution from the
defendant.
- (d) ~~The right as prescribed by law to be given information about the crime, how~~
~~the criminal justice system works, the rights of victims, and the availability~~
~~of services for victims.~~
- (e) ~~The right as prescribed by law to receive information about the conviction or~~
~~final disposition and sentence of the accused.~~
- (f) ~~The right as prescribed by law~~right, upon request, to receive notification of
escape, release, proposed parole or pardon of the accused, or notice of a
reprieve or commutation of the accused's sentence.
- (g) ~~The right as prescribed by law to present their views and concerns to the~~
~~Governor or agency considering any action that could result in the release of~~
~~the accused, prior to such action becoming effective.~~
- (h) ~~The right as prescribed by law to confer with the prosecution.~~
- (i) The right to reasonable protection from the accused or anyone acting at the
direction of the accused.
- (j) The right to proceedings free from unreasonable delay and a prompt
conclusion of the case.



1 (k) The right to be treated with fairness and respect for the victim's dignity and
2 privacy.

3 (1a) The victim, the victim's next of kin, the victim's attorney, or other lawful
4 representative, or the attorney for the government, upon request of the victim, may assert and
5 seek enforcement of the rights enumerated in this section and any other right afforded to the
6 victim by law in any trial or appellate court, or before any other authority, with jurisdiction
7 over the case. The court or other authority with jurisdiction shall act promptly on a request. The
8 victim does not have party status. The court shall not appoint an attorney for the victim under
9 this section. Nothing in this section shall be construed to alter the powers and responsibilities of
10 the District Attorney.

11 (1b) As used in this section, a "victim" includes any person directly and proximately
12 harmed by the commission of a felony, sexual offense, domestic criminal trespass, stalking
13 offense, offense involving a violation of a protective order, or any offense in which assault or
14 threats are an element, or a person against whom such an offense is committed. The term
15 "victim" does not include the accused or a person whom the court finds would not act in the
16 best interests of a deceased, incompetent, minor, or incapacitated victim.

17 (2) No money ~~damages; other enforcement damages.~~ Nothing in this section shall be
18 construed as creating a claim for money damages against the State, a county, a municipality, or
19 any of the agencies, instrumentalities, officers, or employees thereof. ~~The General Assembly~~
20 ~~may provide for other remedies to ensure adequate enforcement of this section.~~

21 (3) No ground for relief in criminal case. The failure or inability of any person to
22 provide a right or service provided under this section may not be used by a defendant in a
23 criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal,
24 postconviction litigation, habeas corpus, civil action, or any similar criminal or civil
25 proceeding."

26 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
27 the qualified voters of the State at the general election in November 2018, which election shall
28 be conducted under the laws then governing elections in the State. Ballots, voting systems, or
29 both may be used in accordance with Chapter 163 of the General Statutes. The question to be
30 used in the voting systems and ballots shall be:

31 "[] FOR [] AGAINST

32 Constitutional amendment to strengthen protections for victims of crime, to
33 establish certain, absolute basic rights for victims, and to ensure the enforcement of these
34 rights."

35 **SECTION 3.** If a majority of the votes cast on the question are in favor of the
36 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
37 amendment to the Secretary of State, who shall enroll the amendment so certified among the
38 permanent records of that office. The amendment becomes effective January 1, 2019.

39 **SECTION 4.** This act becomes effective January 1, 2019.

Lois Stotesberry

From: Bill Rich <brich@hydecourtync.gov>
Sent: Tuesday, November 21, 2017 6:31 PM
To: middletownfarms
Cc: Lois Stotesberry; rjohnson@hydecourtync.gov; knoble@hydecourtync.gov
Subject: Re: Marsy's Law For North Carolina

Thanks for sending this to me Earl I will send it to Lois and have her put it on the agenda.

Sent from my iPhone

On Nov 21, 2017, at 12:22 PM, middletownfarms <middletownfarms@embarqmail.com> wrote:

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: Justin Rice <jrice@marsyslaw.us>
Date: 11/21/2017 11:07 AM (GMT-05:00)
To: middletownfarms@embarqmail.com
Cc: thpahl@earthlink.net, twbscsiii@aol.com, adtunnell@coastalnet.com,
bsswindell@yahoo.com
Subject: Marsy's Law For North Carolina

Chairman Pugh,

Good morning! My name is Justin Rice and I work for an organization called Marsy's Law For North Carolina. We are a non profit that is working to pass a victim's rights bill here in North Carolina. The bill would give victims of violent crimes the right under the state constitution to be notified about the release of their attacker, the date of the bail hearings, parole hearings, and the right to be kept informed about all aspects of the trial. Simply put, we believe that if a rapist has rights then why shouldn't a rape victim?

I have attached the House Bill above. The bill is currently in the Senate, and recently passed the House 98-17 with overwhelming bipartisan support. Rep. Beverly Boswell was a co-sponsor of our bill. We have been endorsed by 58 Sheriffs, including Sheriff Cahoon.

The reason I am reaching out to you is because I am working with local communities in Hyde County and the surrounding counties to raise awareness and support for Marsy's Law. So far we have had 11 towns/cities and 3 Counties in North Carolina pass proclamations in support of Marsy's Law. Our organization would love to have the support of the Hyde County Board of Commissioners. We want to

make sure that this bill passes and the victims of violent crimes finally get the rights that they deserve. I would be more than happy to set up a meeting and speak with you and the board.

I look forward to hearing back from you!

Regards,

Justin Rice

Field Director

Marsy's Law For North Carolina

(704) 292-8082

<H551v1.pdf>

<ML NC Talking Points.pdf>

<Marsy's Law Proclamation NC Generic .docx>

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: December 4, 2017
Presenter: County Manager Bill Rich
Attachment: No

ITEM TITLE: EMPLOYEE/VOLUNTEER/FRIEND OF THE MONTH

SUMMARY: Manager Bill Rich will announce the Employee, Volunteer and/or Friend of the County.

RECOMMEND: Congratulations.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: December 4, 2017
Presenter: Citizens
Attachment: No

ITEM TITLE: PUBLIC COMMENTS

SUMMARY: Citizens are afforded an opportunity at this time to comment on issues they feel may be of importance to the Commissioners and to their fellow citizens.

Comments should be kept to (3) minutes and directed to the entire Board, not just one individual Commissioner, staff member or to a member of the audience.

Time for one person cannot be used by another person.

Comments that reflect the need for additional assistance will be directed to the County Manager or referred to a future meeting agenda.

RECOMMEND: Receive comments.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: December 4, 2017
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: RESOLUTION TO ADOPT MEETING CALENDAR FOR 2018

SUMMARY: A resolution must be passed by the Board to adopt the official calendar of Board meetings, as directed by General Statute §143-318.12.

“Resolution No. 2017-12-04 – Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates” is attached for Board approval.

RECOMMEND: Discussion and approval.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Board of Commissioners

Barry Swindell, Chair
Earl Pugh, Jr., Vice-chair
Benjamin Simmons, III
Dick Tunnell
Tom Pahl

COUNTY OF HYDE

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



Resolution No. 2017-12-04

**RESOLUTION OF THE HYDE COUNTY BOARD OF COMMISSIONERS
ESTABLISHING REGULAR MEETING DATES**

WHEREAS, pursuant to NCGS 153A-40, the Hyde County Board of Commissioners have elected to adopt a meeting schedule by resolution so that its members and the public may know when Regular meetings of the Board are to be held;

WHEREAS, the Hyde County Board of Commissioners adopted Rules of Procedure on February 4, 2013, calling for Regular meetings on the first Monday of each month, or as otherwise provided;

WHEREAS, nothing in this Resolution shall preclude the Hyde County Board of Commissioners from holding Special or Emergency meetings as such may be allowed by law;

WHEREAS, the Board of Commissioners desires to begin all calendar year 2018 Regular Board Meetings at 6:00 p.m.; and,

WHEREAS, the Hyde County Board of Commissioners utilizes an electronic meeting system for the simultaneous audio and/or video conduct of Regular meetings on both the Mainland and Ocracoke, the sites of such electronic meetings being as follows unless an alternative location is posted on the door of the meeting site:

- "Government Center" means the Multi-Use Room in the Government Center, 30 Oyster Creek Road, Swan Quarter, NC.
- "Ocracoke" means the Community Center, 999 Irvin Garrish Highway, Ocracoke, NC.
- * means the meeting date is on Tuesday.

WHEREAS, the Hyde County Board of Commissioners, at its Organizational Meeting on December 4, 2017, unanimously moved to call for Regular meetings on the first Monday of each month, or as otherwise provided;

NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners adopts the following schedule for regular Board meetings:

January 8, 2018
February 5, 2018
March, 5, 2018
April, 2, 2018
May 7, 2018
June 5, 2018*

July 2, 2018
August 6, 2018
September 4, 2018*
October 1, 2018
November 4, 2018
December 3, 2018

BE IT FURTHER RESOLVED that the Clerk is hereby directed to post a copy of this Resolution on the courthouse bulletin board and to publish a summary in the *Coastland Times* newspaper on or before December 30, 2017.

Duly adopted this the 4th day of December, 2017.

Chair, Hyde County Board of Commissioners

SEAL

ATTEST:

Clerk to the Board of Commissioners

Lois Stotesberry

From: Bill Rich <brich@hydecourtnc.gov>
Sent: Monday, November 27, 2017 12:49 PM
To: Lois Stotesberry; Rjohnson@hydecourtnc.gov
Cc: 'Kris Noble'; thppahl@gmail.com; Earl Pugh
Subject: BOC agenda

Lois,

Tom Pahl has requested that the following be put on the agenda for the December meeting:

Re-Appointment of Liz Hotchkiss to the Ocracoke Library Board of Directors

Request that the meeting calendar which will be voted on at Decembers Meeting reflect a change in the June meeting date from June 4th to June 5th.

Also Earl and Kris and I would like to request that the January 1st meeting date be switched to January 8th.

Thanks.

Bill



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: December 4th, 2017
Presenter: Daniel Brinn
Attachment: Yes –Project Budget Ordinance

ITEM TITLE: Project Budget Ordinance - Stream Debris Removal Project

SUMMARY: This Project Budget Ordinance will outline revenues and expenditures to complete the North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation Stream Debris Removal Project identified as Phase III award of the Disaster Recovery Act of 2016

Hyde County will work with Hyde Soil & Water to complete stream debris removal activities including cutting and removing downed trees, broken tops, and woody/vegetative debris that impede or potentially impede water flow in 31 streams/Canals and Drainage districts throughout the county, as well as sediment removal and bank stabilization in a limited number of areas:

RECOMMEND: REVIEW AND ADOPT

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

**Hyde County – North Carolina Department of Agriculture and Consumer Services
Division of Soil & Water Conservation Stream Debris Removal Project
Phase III award of the Disaster Recovery Act of 2016
Project Budget Ordinance
December 4, 2017**

Be it ordained by the Hyde County Board of Commissioners, that pursuant to Section 143B-472.127 and .128 of the General Statutes of North Carolina, the following grant program ordinance is hereby adopted:

Section 1: The program authorized is the North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation Stream Debris Removal Project identified as Phase III award of the Disaster Recovery Act of 2016. The purpose of the project is to remove from streams debris resulting from past and recent hurricanes, ice storms and tornadoes, as well as sediment removal and bank stabilization in a limited number of areas. The project is funded by state appropriations from the Disaster Recovery Act of 2016.

Section 2: Hyde County and Hyde County Soil & Water Conservation staff are hereby directed to proceed with the grant program within the terms of the grant document(s), the rules and regulations of the North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation, and the budget contained herein.

Section 3: The following revenues and resources are anticipated to be available to complete the program activities:

Stream Debris Removal Project

NC Division of Soil & Water Conservation	\$858,487.00
Total:	<u>\$858,487.00</u>

Section 4: The following amounts are appropriated for the program activities:

Phase III award of the Disaster Recovery Act of 2016

Program Budget	<u>\$858,487.00</u>
-----------------------	----------------------------

Section 5: The Grant Finance Officer is hereby directed to maintain within the Grant Program Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Division of Coastal Management required by the grant agreement(s) and federal and state regulations.

Section 6: Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of

Agriculture and Consumer Services Division of Soil & Water Conservation in an orderly and timely manner.

Section 7: Copies of this grant program ordinance shall be made available to the Grant Finance Officer for direction in carrying out this program.

Adopted this 4th day of December, 2017.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 4, 2017
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: Consideration of Recommended Administrative Changes
Effective July 1, 2018

SUMMARY: We are requesting the Board's consideration of the selection of Kris Cahoon Noble as incoming County Manager and Bill Rich as a county-contracted employee as presented at the Board Retreat Meeting on October 11, 2017.

RECOMMEND: VOTE AND APPROVE

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

HYDE COUNTY DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

BILL RICH – DIRECTOR

. REPORTS DIRECTLY TO COUNTY MANAGER

. Contract employee \$4,000.00 per month plus travel

. No county benefits such as retirement, health insurance, workman's comp, vacation or sick leave.

. Would begin employment 8/01/2018 and continue for 2 years unless asked to leave sooner for any reason giving 90 day notice.

. Responsibilities:

A: County Land Sales (all existing and future foreclosures)

B: Administrator of the Revolving Loan Fund

C: Assist the County Manager with Economic Development and Planning

D: Continue as a conduit between the County and State and Federal Government

E: Continue to represent Hyde County on the RPO and as a conduit with the NCDOT and ferry division

F: Continue to serve in my role as vice-chair of both the Albemarle Regional Health Committee and the Partnership for the Sounds.

G: Continue to serve as a board member of the Beaufort Hyde Community Foundation, the UNC School of Government Foundation, Chairman of the Mattamuskeet Waterways and board member NC Catch.

My plan would be to be headquartered in Ocracoke and attend BOC meetings from there. I will not punch a clock but will fulfill all requirements listed above. I will be available to help Kris in her final transition as County Manager and would also be available to serve as interim manager if something were to happen to Kris. I see this as a win/win for the county in that at the end of the day you end up with the same team you have today but in different roles and a cost savings of about 50k a year prior to

any additional raise for Kris. This also allows me to stay involved with the parts of my job I enjoy the most but also allows be to be at home more on Ocracoke with my wife Jennifer.

➤

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 4, 2017
Presenter: Commissioner Thomas Pahl
Attachment: No

ITEM TITLE: APPOINTMENT TO THE OCRACOCKE LIBRARY BOARD

SUMMARY: Commissioner Pahl will recommend re-appointment of Liz Hotchkiss to serve as the Ocracoke representative on the BHM Regional Library Board of Trustees.

RECOMMEND: Appoint.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 4, 2017
Presenter: Emergency Services Director, Justin Gibbs
Attachment: No

ITEM TITLE: UPDATE ON E-911 CENTER

SUMMARY: Justin Gibbs will present update on the E-911 center project.

RECOMMEND: Discussion.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: December 4, 2017
Presenter: Kris Cahoon Noble
Attachments: CDBG – DR Conditional Award Letter – Davis Ventures Roof

ITEM TITLE: CDBG – DR Conditional Award Letter – Davis Ventures Roof

SUMMARY: Hyde County recently received notice from the Governor’s Hurricane Recovery Office and the NC Division of Emergency Management that it is entitled to receive up to \$500,000 for a three year grant term under the NC CDBG-DR program for repairs to the roof of the Davis Ventures building in Engelhard.

Hyde County will be required to complete revisions as spelled out in Attachment A of the attached document and execute a Memorandum of Agreement that will more thoroughly articulate the terms and conditions of the grant award.

RECOMMEND:

REVIEW, DISCUSS

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

November 20, 2017

The Honorable Earl Pugh, Jr
Chairperson
County of Hyde
PO Box 188
Swan Quarter, NC 27885

Federal ID 56-6000308

Subject: Hyde County CDBG-DR Conditional Award Letter in the Amount of \$500,000.00

Dear Chairperson Pugh:

On behalf of the Governor's Hurricane Recovery Office and the NC Division of Emergency Management, I am pleased to inform you that Hyde County will be entitled to receive up to **Five Hundred Thousand Dollars (\$500,000.00)** for a three year grant term as part of the NC CDBG-DR Program. This award is made pursuant under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and Public Law 114-254 which appropriated funding for housing, restoration of infrastructure, and long-term recovery in the most impacted and distressed areas due to Hurricane Matthew in October 2016. The award is also being made in accordance with the plan set forth in the application of the above mentioned recipient and subject to any attached revisions or special conditions. We request that you respond to the conditions listed in Attachment I and submit back to The Division of Emergency Management, attn.: Michele Grant, Senior CDBG-DR Advisor no later than December 15, 2017.

Within the next 12 months and prior to the ending date of the contract, the State Division of Emergency Management will make a subsequent review of the status of your program activities and budget to examine the allocation for any future CDBG-DR funding.

The funding award is subject to all applicable rules, regulations, and conditions subject to the Federal statutes and regulations governing CDBG grants as defined under (24 CFR Part 570), Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR 200) and Environmental Review Procedures for Title I Community Development Block Grant Program (24 CFR Part 58). The grant award is also subject to such further rules, regulations and policies as prescribed by the State of North Carolina per 4 NCAC 19L.1004.

Pursuant to the county application, all project activities must meet a national objective in order to be eligible for Community Development Block Grant-DR funds. There are three national objectives in the CDBG program. This program falls under the National Objective of Low-Moderate Income Persons and Urgent Needs. All program activities must show documentation of one of these national objectives with

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at least 70% being directed to low and moderate income households.

The County will be required to execute a Memorandum of Agreement which more thoroughly articulates the terms and conditions of your grant award. The Memorandum of Agreement will be submitted upon receipt of the revisions spelled out in Attachment I. Upon receipt of the MOA, the MOA must be approved by the County Board of Commissioners along with an official copy of the minutes. The MOA will need to execute by the Chief Elected Official and returned to Emergency Management.

The following attachment summarizes the terms of the grant funds, key program details and highlights other areas of compliance. The grant shall become effective upon execution of a Memorandum of Agreement (MOA).

Please sign the acceptance and acknowledgement of this award letter by signing three copies. Two copies will be returned to the State. This award letter will be made a part of the Memorandum of Agreement and Contract upon satisfaction of the satisfying the items in Attachment I.

This award letter will be made a part of the Grant Agreement and Contract upon satisfaction of submitting any revisions and additional information to your project application.

If you have any questions, please feel free to contact Michele Grant, Senior CDBG-DR Advisor, Division of Emergency Management at (919) 825-2578. We look forward to working with you over the next several years.

This award is subject to revisions of application submittal (attached)
Due Date for Revisions: December 15, 2017
Due Date for Acceptance of Award: November 30, 2017
Due Date for Accomplishment and Beneficiaries Form: November 30, 2017

Division of Emergency Management

By: 

Date: 11/20/17

Name: Michael A. Sprayberry

Title: Director

Chief Elected Official

By: _____

Date: _____

Name: _____

Title: _____

Attachment I - Application Revisions and Re-Submittal Requirements Hyde County

1. Please provide documentation that the proposed project shows a tie back to Hurricane Matthew to determine eligibility of proposed project activity.
2. Public Hearing Certification and Affidavits: Certified minutes of the two public hearings must be submitted.
3. Accomplishment and Beneficiary Form: Due November 30th. ***Show performance indicators by each budgeted activity.***
4. The State's Division of Emergency Management has procured Construction Managers at Risk (CMR's) and in coordination with county staff, may oversee all construction related projects including housing rehabilitation and reconstruction. The CMR's will take the lead for developing rehabilitation specifications, bid outreach, contract execution and construction management. The State may consider permitting the County to oversee the construction process upon written approval from the State which will be based on submittal of qualified housing rehabilitation/construction managers.
5. The State will work with the county on intake and processing of applicants under the CDBG-DR program. The Division of Emergency Management will hold a meeting with County staff in early December to discuss this process in more detail.
6. If using consultants for grant management, please provide roles and specific tasks that will be assigned to the grant administrator. Please note that all procurement must follow local, state and federal 2 CFR 200 procurement procedures. Please review with Emergency Management.

7. Project Budget ¹as Follows: Hyde County

Activity	Hyde County
Single Family Rehab	\$
Single Family Reconstruction	\$
Temporary Relocation	
Mobile Home Repair	\$
Mobile Home Replacement	\$
Temporary Rental Assistance	\$
Housing Reimbursement	\$
Flood Insurance Assistance	\$
Multi-Family Rental	\$
Neighborhood Facilities	\$475,000.00
Infrastructure	\$
Administration	\$25,000.00
Total by County	\$500,000.00

¹ The Division of Emergency Management will provide construction caps for each program activity and the budget may be adjusted to reflect these construction and program limits.

Local CDBG-DR Program Implementation Schedule – Critical Tasks

Over the next two-three weeks, as the Lead Entity, there are a number of deliverables that are needed in order for us to move forward with grant set up and having funds available for your intended projects. These tasks can proceed upon receipt of your signed and duly executed acceptance of the Award and upon satisfying all requested revisions to the Division of Emergency Management.

Tasks

- 1) Revise and Submit back to Emergency Management all items listed as Revisions and Changes. Submit no later than December 15, 2017.
- 2) If you propose to retain a CD Grant Administrator at a minimum, you should:
 - a) Verify that your procurement process adheres to CDBG guidelines 2 CFR 200 - (Review process and proposed scope of services with the Division of Emergency Management).
 - b) Establish review process for evaluation and selection process. A consultant that intends to respond to the RFP/RFQ cannot participate in the development of specifications, requirements, statements of work or invitations for bids or request for proposals/qualifications, including but not limited to, the development of the scoring criteria, the final selection of firms/consultants to be contracted, or the scoring of submissions.
 - c) Establish review committee and verify debarment status.
 - d) Advertise for Services. Advertisement must provide reasonable timelines of at least 15 days for adequate responses and should be published in a newspaper of general circulation. You may post on the State's IPS or other vendor sites or directly solicited. M/WBE and Section 3 businesses must be included on the list of firms to receive the direct solicitation.
- 3) Submit CDBG-DR Accomplishment and Beneficiary Form for each budgeted activity. These forms needs to be **submitted by November 30, 2017**.
- 4) Begin Environmental Review Record
 - a) Complete Environmental Review Record for Exempt Activities - Administration, Planning.
 - b) Identify a staff person who will be responsible for managing your environmental review process and begin procedures for undertaking Tier I and Tier II assessments.
- 4) Begin identifying your pool of applicants by address, and program type for your homeowner recovery programs.

CDBG-DR ACCOMPLISHMENTS & BENEFICIARIES FORM

Applicant:		Project Name:	
Activity Name:		Budgeted \$:	
Activity Number:		Activity Code:	
Complete a separate form for each activity		Sheet	Of
		Sheet	Sheets
General Information		Proposed (for entire grant)	
Households Benefiting			
Rental Units Assisted			
One to One Replacement			
Displacements			
504 accessible units			
Elderly Household aged 62 or older			
Female-Head of Household			
Single Units Assisted			
Multi-unit Housing			
Energy Star Products			
Energy Star Homes			
Microenterprise			
County and Census Tract		Proposed (for entire grant)	
County Code			
Census Tract			
Block Groups			
Block Groups			
Census Tract			
Block Groups			
Block Groups			
Income Level		Proposed (for entire grant)	
Extremely Low			
Low			
Moderate			
Non-Low/Moderate			
Total			
Owner		Proposed (for entire grant)	
11 White		Total	Hispanic

12 Black/African American		
13 Asian		
14 American Indian/Alaskan Native		
15 Native Hawaii/Other Pacific Islander		
16 American Indian/Alaskan Native & White		
17 Asian & White		
18 Black/African American & White		
19 Amer. Indian/Alaskan Native & Black/African Amer.		
20 Other multi-racial		
	Proposed	(For Entire Grant)
Renter	Total	Hispanic
11 White		
12 Black/African American		
13 Asian		
14 American Indian/Alaskan Native		
15 Native Hawaii/Other Pacific Islander		
16 American Indian/Alaskan Native & White		
17 Asian & White		
18 Black/African American & White		
19 Amer. Indian/Alaskan Native & Black/African Amer.		
20 Other multi-racial		
Percent of low and moderate income in service area		
Total number of low and moderate income in service area		
Total number of low and moderate income universe population in service area		
Activity Narrative:		